

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

KELVIN ANDRE SPOTTS,

Petitioner,

vs.

CIVIL ACTION NO. 3:06-0109  
CRIMINAL ACTION NO. 3:98-00047-01

UNITED STATES OF AMERICA ,

Respondent.


**ORDER**

This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the § 2255 motion filed by Kelvin Andre Spotts be dismissed with prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES** the § 2255 motion, with prejudice, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER: May 24, 2006

  
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ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE